

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TENNESSEE RIVERKEEPER, INC. )

Plaintiff, )

v. )

No. 3:23-CV-00749

ARDAVAN AFRAKHTEH, )

Defendant. )

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**DECLARATION OF ARDAVAN AFRAKHTEH**

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Ardavan Afrakhteh, pursuant to 28 U.S.C. § 1746 and upon his oath and personal knowledge, declares:

1. My name is Ardavan Afrakhteh. I am over 18 years of age and fully competent to make this declaration. I have personal knowledge of the facts stated in this declaration, which, to my knowledge, are true and correct.

2. In my capacity as the Chief Manager of Hill 33, LLC (“Hill 33”), a Tennessee Limited Liability Company, I executed a Special Warranty Deed on March 17, 2022, conveying a tract of land in Nashville known as Sky Nashville to BGC Development, LLC (the “New Property Owner”). The Special Warranty Deed was recorded with the Davidson County Register of Deeds on March 18, 2022, and is attached hereto as **Exhibit A**.

3. I am the sole member and Chief Manager of Hill 33 but have never personally owned the land comprising Sky Nashville. I am not a member or officer of the New Property Owner and hold no interest in the company.

4. Subsequent to the execution of the March 17, 2022 Special Warranty Deed conveying Sky Nashville to BGC Development, I executed a Notice of Termination of General NPDES Permit for Stormwater Discharge for Construction Activities (“Notice of Permit Termination”), which must be submitted to the Tennessee Department of Environment and Conservation (“TDEC”) when a Permit holder is transferring the Permit to a new responsible party.

5. Approximately a month after my execution of the Notice of Permit Termination, the New Property Owner submitted its Notice of Intent for coverage under General NPDES Permit for Stormwater Discharge for Construction Activities to TDEC. Included with the New Property Owner’s Notice of Intent was a letter outlining its desire to have the Permit transferred into its name and a certification by the parties.

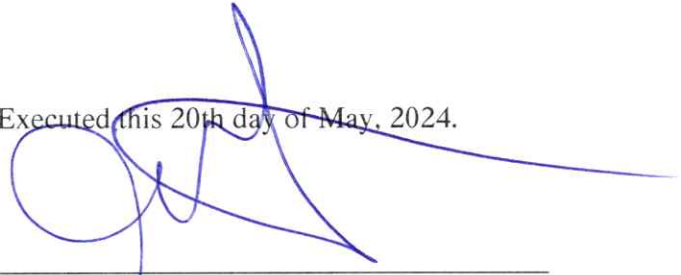
6. Based on information and belief, I have fulfilled all the necessary duties for the NPDES Permit’s transfer, and I am not authorized by TDEC, as a transferor, to complete any additional requirements to facilitate the NPDES Permit’s transfer. The remainder of the Permit transfer process must be completed by the transferee.

7. I am not aware of any violations (continuing, ongoing, or past) of the NPDES Permit applicable to Sky Nashville or any violation of the Clean Water Act.

8. I no longer have the authority to enter onto the land of Sky Nashville without the New Property Owner’s permission. Nor do I have any control over Sky Nashville.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of May, 2024.



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ARDAVAN AFRAKHTEH